IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 919 OF 2006
IN
STAMP NUMBER MAIN NO. 2708 OF 2006

CENTRAL BANK OF INDIA REP. BY THE CONSTITUTED ATTORNEY SHRI BACHARAM LAXMAN PATIL ... Applicant

Versus

SHRI VENKATESH KESHAV PRABHU DESSAI, SANGUEM GOA ... Respondent

Mr. Sudin M.s. Usgaonkar, Advocate for the applicant.

Mr. V. A. Lawande, Advocate for the respondent.

Coram:- S.A.BOBDE, J.

Date:- 30th March, 2007

P.C.

This is an application for condonation of delay of 72 days in filing the second appeal. Tabular statement, showing the chronology of events, is submitted in an affidavit of one J.N. Mahant. From the statement, it appears that the delay was mainly caused because the Legal Department at the Zonal Office in Mumbai permitted the Regional Office at Goa to file an appeal on 13.6.06, however, subject to the appropriate administrative decision of the competent authority. As a result, after the file was received by the Regional Office, Panaji from the Zonal Office in Mumbai, it was sent back on 3.7.2006 to the Zonal Office in Mumbai. Apparently, the permission was granted by the Zonal Office sometime on 16th August, 2006. In the meanwhile, the limitation had expired sometime on or about 27th July, 2006.

2. While there is an explanation, there appears to be substance in the

contention of Mr. Lawande, the learned Counsel for the respondents that there seems to be an unnecessary shuttling of the file from Mumbai to Goa and Goa to Mumbai.

3. In the circumstances of the case, the application is allowed. The delay of 72 days is, hereby, condoned subject to the Bank paying cost in the sum of Rs.5,000/- to the respondent within a period of one week. Application disposed of.

S.A.BOBDE, J.

ssm.